

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MARITTE FUCHES,

Plaintiff,

v.

E. K. McDANIEL, et al.,

Defendants.

3:05-CV-00174-LRH (VPC)

ORDER

Before this Court is Report and Recommendation of U.S. Magistrate Valerie P. Cooke (Doc. #40) entered on August 2, 2006, recommending granting Defendants' Motion for Summary Judgment (Doc. #28) filed on April 26, 2006. Plaintiff filed his Objections to Magistrate Judge's Report and Recommendation (Doc. #41) on August 11, 2006, and Defendants filed their Opposition to Plaintiff's Objection to Magistrate Judge's Report and Recommendation on August 21, 2006 (Doc. #42), pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 1B 3-2 of the Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the objections of the Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) and Local Rule IB 3-2. Plaintiff's objections cite no new evidence. Continuing medical complaints must be addressed within prison procedures. The Court determines that the Magistrate Judge's Report and Recommendation (Doc. #40) entered on August 2, 2006, should

1 be adopted and accepted.

2 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation  
3 (Doc. #40) entered on August 2, 2006, is adopted and accepted, and Defendant's Motion for Summary  
4 (#28) is GRANTED.

5 IT IS SO ORDERED.

6 The Clerk of the Court shall enter Judgment accordingly.

7 DATED this 5<sup>th</sup> day of September, 2006.

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11 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE